IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 13TH AUGUST 2007 / 22ND SRAVANA 1929

CRP.No. 136 of 2002(A)

CMA.90/1999 of D.C & SESSIONS COURT,TRIVANDRUM
OS.250/1999 of II ADDL.SUB COURT,TRIVANDRUM
(IA. 2809 /1999)
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PETITIONER: APPELLANT/DEFENDANT:

INTEGRATED FINANCE COMPANY LTD., TRIVANDRUM BRANCH,REPRESENTED BY ITS AREA MANAGER SHAJIMANI.

BY ADV. SRI.M.BALAGOVINDAN
SRI.P.M.JOSEPH

RESPONDENT: RESPONDENT/PLAINTIFF:

C.P.ABDUL RAHEEM, ' KRIPA PANIKKER'S LANE,SASTHAMANGALM,THIRUVANANTHAPURAM, PRESENTLY RESIDING AT FLAT NO.C-4,LAKE VIEW APARTMENTS,THEVALY,KOLLAM,REPRESENTED POWER OF ATTORNEY HOLDER FATAHUDEEN,P.M.P.HOUSE, THOLIKUZHI,KADAKKAL,QUILON DISTRICT.

BY ADV. SRI.M.SREEKUMAR

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 13/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.N.KRISHNAN, J.

C.R.P.No.136 OF 2002 &
C.M.P.No: 297 of 2002

Dated this the 13th August, 2007.

O R D E R

The Civil Miscellaneous Petition is filed to condone the delay of 691 days in filing the revision petition. The reason alleged for condonation of delay is on the basis of the negligent attitude of the former clerk attached to the Advocate's office. Heard the other side as well. In the interest of justice delay is condoned.

2. Civil Revision Petition is preferred against the order in C.M.A.90/99 of the District Judge, Thiruvananthapuram. The said C.M.A was preferred against the order of the II Additional Subordinate Judge, Thiruvananthapuram whereby the learned Subordinate Judge directed to release the vehicle bearing registration No: KL 01-G 38100 to the plaintiff on condition of her deposit of Rs.1,21,609/- in a nationalised bank in fixed deposit fetching high rate of interest. The appellate court had disposed of the appeal adding further conditions. The appellate court found that the vehicle can be entrusted to the plaintiff as a receiver with a liability to account and keep it in good condition. The grievance of the revision petitioner is only to the effect that it is entitled to

interest and that has not been taken care of by the courts below. The court has directed deposit of the amount which, according to them was due. The ultimate result of the suit will depend upon various factors. The court has taken adequate security by directing the plaintiff to deposit Rs.1,21,609/-. The court has further preserved the property by directing the plaintiff to be the receiver of the car and to maintain it in good condition and keep accounts. So, I think the interest is well protected and by the orders of the court below the interest is sufficiently safeguarded. Revision petition lacks merit and therefore dismissed.

M.N.KRISHNAN
Judge

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